

REMARKS

I. Status of Claims

Claims 1-4, 7-13, and 21 are pending in the application. Claim 1 and newly added claim 21 are the only independent claims. Claim 1 and 4 are currently amended. Claims 5-6, and 15-20 are canceled without prejudice to and/or disclaimer of the subject matter therein (claim 14 was previously canceled). The Applicant reserves the right to file one or more divisional application(s) directed to the non-elected subject matter in accordance with the provisions of 35 U.S.C. § 121.

In view of the foregoing amendments, claims 1-4, 7-13 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Hamada et al. (JP2001-357869) (hereinafter "Hamada").

In view of the foregoing amendments, claims 1-4, and 7-9 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Sakai et al. (JP63-119166) (hereinafter "Sakai").

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Information Disclosure Statement

The Japanese references listed on the 01/04/08 information disclosure statement were crossed out and not considered since a translation was not presented. The column identifying the submission of translations was inadvertently checked. However, an English-language abstract of the non-English language references was attached to each cited Japanese reference filed on January 4, 2008. Applicant submits herewith a corrected form PTO/SB/08a listing the Japanese references. Applicant respectfully requests reconsideration of said references.

III. Pending Claims are Patentable over Hamada and Sakai

Claim 1 stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by both Hamada and Sakai. Claim 21 is a newly added independent claim that generally tracks claim 1.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, "...a supply port through which gas is supplied to the fuel cell stack, and

which is provided in one end portion of the fuel cell stack, and the fuel cell stack is formed by stacking the cell blocks such that the cell block having the smaller pressure loss is disposed in a vicinity of the other end portion of the fuel cell stack...,” “...wherein the fuel cell further comprises a discharge port through which gas is discharged from the fuel cell stack, and which is provided in the same end portion of the fuel cell stack as the supply port...,” and “...wherein a cross-sectional area of a gas path in one cell block being disposed far away from the supply port is larger than that of the gas path in another cell block being disposed adjacent to the supply port.”

The Applicant respectfully submits that claim 21 is patentable over the cited references at least because it recites, “...a supply port through which gas is supplied to the fuel cell stack, and which is provided in one end portion of the fuel cell stack, and the fuel cell stack is formed by stacking the cell blocks such that the cell block having the smaller pressure loss is disposed in a vicinity of the other end portion of the fuel cell stack...,” “...wherein the fuel cell further comprises a discharge port through which gas is discharged from the fuel cell stack, and which is provided in the same end portion of the fuel cell stack as the supply port...,” and “...wherein one cell block having a large cross-sectional area of a gas path is disposed only in the other end portion of the fuel cell stack far away from the supply port.”

The Applicant respectfully submits that neither Hamada nor Sakai disclose each and every limitation of the Applicant’s claims 1 and 21.

For example, with respect to Hamada, this reference merely discloses that gas is supplied from an end portion of fuel cell stack, and cell blocks having a smaller pressure loss are disposed in both ends of the fuel cell stack. However, in contrast to the inventions of claims 1 and 21, it is **not** disclosed that the supply port and the discharge port are provided in the **same end portion** of the fuel cell stack (e.g., wherein the fuel cell further comprises a discharge port through which gas is discharged from the fuel cell stack, and which is provided in the same end portion of the fuel cell stack as the supply port). Further, also in contrast to the inventions of claims 1 and 21, although Hamada discloses that a cross-sectional area of a gas path is changed by changing a depth of a groove, it is **not** disclosed to change the pitch between the ribs (e.g., wherein a pitch

between the ribs of one cell block is different from a pitch between the ribs of another cell block).

Next, regarding Sakai, this reference merely discloses to decrease a pressure loss of the cell block being located at a lower part in a gravitational direction. However, the inventions of claims 1 and 21 are not disclosed. More specifically, it is not disclosed to decrease the pressure loss of the cell block being disposed far away from the supply port as is required by the Applicant's claims (e.g., claims 1 recites wherein a cross-sectional area of a gas path in one cell block being disposed far away from the supply port is larger than that of the gas path in another cell block being disposed adjacent to the supply port and claim 21 recites wherein one cell block having a large cross-sectional area of a gas path is disposed only in the other end portion of the fuel cell stack far away from the supply port).

Therefore, the Applicant respectfully submits that, for at least these reasons, claims 1 and 21, as well as the dependent claims of claim 1, are patentable over the cited references.

IV. Conclusion

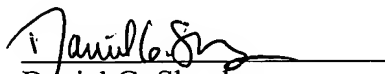
In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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